

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DARRYL HYMEL

Appeal No. 2005-2166
Application 09/505,318

ON BRIEF

Before BARRETT, OWENS and DIXON, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from a rejection of claims 1-41, which are all of the pending claims.

THE INVENTION

The appellant claims methods for routing multimedia calls within an automatic call distributor system and for displaying information to a caller of an automatic call distributor.

Claims 1 and 41 are illustrative:

1. A method of routing multimedia calls within an automatic call distributor system having a automatic call distributor coupled to the public switched telephone network and a host coupled to the Internet, such method comprising the steps of:

receiving an Internet call from an Internet caller by the host through the Internet;

requesting an agent assignment for handling the Internet call from the automatic call distributor coupled to the public switched telephone network; and

transferring the Internet call to a terminal of the agent assigned by the automatic call distributor.

41. A method of displaying information to a caller of an automatic call distributor, such method comprising the steps of:

receiving a request for a real-time conference from a caller;

sending a call request to the automatic call distributor for an agent to handle the real-time conference; and

presenting information to the caller as the caller waits for setup of the real-time conference.

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THE REFERENCES

Miloslavsky	6,021,428	Feb. 1, 2000
Cave	6,175,562	Jan. 16, 2001
		(filed Apr. 29, 1997)

THE REJECTION

Claims 1-41 stand rejected under 35 U.S.C. § 103 as being unpatentable over Miloslavsky in view of Cave.

OPINION

We affirm the aforementioned rejection.

The appellant indicates that the claims stand or fall together (brief, page 5). The subject matter of claim 41 differs significantly from that of claims 1-40. We therefore limit our discussion of claims 1-40 to one claim in that group, i.e., claim 1, and we separately address claim 41. See *In re Ochiai*, 71 F.3d 1565, 1566 n.2, 37 USPQ2d 1127, 1129 n.2 (Fed. Cir. 1995); 37 CFR § 1.192(c) (7) (1997).

Claim 1

During patent prosecution, claims are to be given their broadest reasonable interpretation consistent with the specification, as the claim language would have been read by one

of ordinary skill in the art in view of the specification. See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983).

The appellant's specification states that the term "caller" includes a website user (page 5, lines 1-2), and that the caller can initiate an offline conversation using e-mail (page 5, lines 10-11). The specification states that after a softkey is activated to initiate an e-mail conversation, "a text box is presented to the caller within which the caller may enter a message" (page 5, lines 15-17), and the specification refers to the message as a call (page 5, lines 21-23). Thus, we interpret "Internet call" in claim 1 as encompassing an e-mail sent through the Internet, and we interpret "Internet caller" as including a person sending such an e-mail.

Miloslavsky discloses a method wherein an e-mail server (6102) that is coupled to a data network that can be the Internet is used to send and receive e-mails (col. 35, lines 62-66). Thus, Miloslavsky discloses receiving an Internet call from an Internet caller by a host through the Internet.

A router (6116) selects the most qualified and available support person to respond to an e-mail and instructs the e-mail server to route the e-mail to the computer terminal used by the selected support person (col. 36, lines 54-57; col. 38, lines 22-26 and 42-44). Hence, Miloslavsky discloses requesting an agent assignment for handling the Internet call and transferring the Internet call to a terminal of the agent.

Miloslavsky's router can be designed strictly for e-mail applications, in which case there is no need for a computer-telephony-integration (CTI) server (6130) (col. 38, line 66 - col. 39, line 4). Alternatively, the router software can be based on telephony software, in which case a CTI server is used by the router to send commands, which can be telephony-related commands, to the e-mail server, and an e-mail-to-CTI-server adaptor (6110) provides conversion between e-mail attributes such as e-mail address and telephony attributes such as telephone number (col. 36, lines 59-62; col. 37, lines 8-23 and 66-67; col. 38, lines 42-46). The adaptor, for example, can format an e-mail address as a telephone number (col. 37, lines 55-59).

Miloslavsky discloses that the CTI server communicates with the router and controls an automatic call distributor (ACD) which is a telephony hardware device for controlling telephone communication between the public telephone networks and telephones inside the call center (col. 36, line 66 - col. 37, line 6). This disclosure at least would have fairly suggested, to one of ordinary skill in the art, using, in the routing method based on telephony software, an ACD that is coupled to the public switched telephone network.

The appellant's automatic call distributor includes a switch (34) and a router (32) (specification, page 4, lines 4-7). The appellant's term "automatic call distributor", therefore, encompasses Miloslavsky's ACD telephony hardware device and router.

Miloslavsky's teachings that 1) the router need not be designed strictly for e-mail applications (col. 38, lines 66-67), and 2) the e-mail and telephony attributes are interchangeable and the adaptor provides conversion between e-mail attributes and telephony attributes (col. 37, lines 15-23), at least would have fairly suggested, to one of ordinary skill in the art, using the method to route multimedia (e-mail visual and telephone audio) calls.

The appellant argues that Miloslavsky does not teach or suggest routing Internet calls (brief, page 5; reply brief, pages 2-3). Miloslavsky routes Internet e-mails (col. 35, lines 49-50 and 63-66) which, as discussed above, are Internet calls as that term is used by the appellant.

The appellant argues that there is no reason under the teaching of Miloslavsky to carry out the appellant's steps of requesting an agent and transferring the Internet call to a terminal of the agent (brief, page 7). Those steps are disclosed by Miloslavsky as discussed above.

We therefore are not convinced of reversible error in the rejection of claim 1. Accordingly, we affirm the rejection of that claim and claims 2-40 that stand or fall therewith.

Claim 41

Miloslavsky discloses a method for displaying video information to a caller of a call center (110) having a switching device (112) that can be an automatic call distributor/private branch exchange (ACD/PBX) (col. 4, lines 4-8 and 34-37). The call from the caller is a request for a real-time conference. The call request is sent to the ACD/PBX for an agent to handle the call (col. 3, lines 61-64; col. 4, lines 29-37). The ACD/PBX includes a data processing device capable of executing an

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internal trunk route script that determines the type of music or announcement to play when a call is put on hold (col. 5, lines 31-38).

The appellant argues that Miloslavsky does not disclose presenting information to a caller as the caller waits for setup of a real-time conference (reply brief, page 5). The announcement played when a call is put on hold (col. 5, lines 37-38) is information presented to the caller as the caller waits for setup of a real-time conference.

We therefore affirm the rejection of claim 41.

DECISION

The rejection of claims 1-41 under 35 U.S.C. § 103 over Miloslavsky in view of Cave is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

Lee E. Barrett
LEE E. BARRETT)
Administrative Patent Judge)
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)
Terry J. Owens) BOARD OF PATENT
TERRY J. OWENS)
Administrative Patent Judge)
)
Joseph L. Dixon) APPEALS AND
JOSEPH L. DIXON) INTERFERENCES
Administrative Patent Judge)

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Welsh & Katz
120 S. Riverside Plaza
22nd Floor
Chicago, IL 60606